

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
FOLEY SQUARE DIVISION

ELI REISMAN, *individually and on behalf
of a class of all persons and entities
similarly situated,*

Plaintiff,

v.

**NORTHEASTERN POWER AND GAS
LLC,**


Defendant.

CASE NO. 1:23-cv-00620-LGS

Defendant shall file its motion for alternative service of process and to limit further communication from Mr. Bassili by **May 5, 2023**. The requirement for a pre-motion letter in accordance with the Court's Individual Rule III.A.1 is waived.

So Ordered.

Dated: April 27, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

STATUS REPORT

Defendant Northeastern Power and Gas, LLC (“Defendant” or “NEPG”) provides this status report under this Court’s April 13, 2023 Order. *See* ECF 28.

A. Background

In this putative Telephone Consumer Protection Act (“TCPA”) class action, Plaintiff Eli Reisman alleges that he received pre-recorded calls from NEPG. NEPG denies the allegations, including because it never permitted or otherwise authorized *any* outbound calls, let alone ones that delivered pre-recorded messages.

On April 3, 2023, NEPG filed a complaint against third-party defendants Electric Green Life, Inc., Electric Green Life, LLC, and Mark Bassili (collectively, the “EGL Defendants”), explaining that any outbound calls purportedly made by NEPG to Plaintiff were actually made, if at all, by the EGL Defendants or a third party they hired without NEPG’s knowledge or consent. *See* ECF 19 ¶¶ 18-19 (“NEPG hired EGL based on EGL’s representations of conducting *only inbound marketing services* ... Before hiring EGL, NEPG interviewed its President and CEO, Mark Bassili, who assured NEPG that EGL conducted only inbound marketing services....”).

NEPG's third-party complaint therefore seeks indemnification from the EGL Defendants for attorneys' fees and expenses incurred by NEPG as a result of their conduct.

At the April 12, 2023 initial hearing, NEPG informed the Court that service of the third-party complaint on the EGL Defendants may be prolonged or impossible, and that Mr. Bassili had begun a campaign of harassing communications directed toward NEPG, its counsel, and others. After the hearing, the Court issued an order requiring that NEPG file an update in two weeks as to the status of its efforts to serve the EGL Defendants and inviting NEPG to seek other relief about Mr. Bassili's communications, should NEPG deem it necessary. *See generally* ECF 28.

B. Status of Service of Third-Party Defendants

NEPG served Electric Green Life, LLC, a Delaware entity, on April 21, 2023, and will promptly file a certificate of service when received. NEPG has also engaged a Canadian process server to serve Electric Green Life, Inc., a Canadian corporation and the alter ego of Electric Green Life, LLC. As of the date of this filing, Electric Green Life, Inc. has not yet been served because the address Mark Bassili (the principal of both Electric Green Life entities) provided for that entity is either incorrect, does not permit service (because it is a gated private residence), or both. NEPG will continue its efforts to serve the Canadian corporation, but it is unlikely that personal service will be possible.

Individual third-party defendant Mark Bassili has not been served yet either. Despite diligent efforts made to locate Mr. Bassili's residence, NEPG has been unable to do so. In fact, NEPG has not even been able to ascertain with certainty the *country* of Mr. Bassili's residence (though NEPG believes it is Mexico).

NEPG's counsel has, however, been in consistent contact with Mr. Bassili via email. NEPG's counsel initially emailed Mr. Bassili the third-party complaint shortly after filing it, and

Mr. Bassili acknowledged receipt by calling NEPG's counsel in response. Mr. Bassili then launched a flurry of harassing, rambling, threatening, and racist communications directed to NEPG's counsel, NEPG's principal (Perry Wilson, who is Black) and other third parties. For example, in just a few of many dozens of similar passages, Mr. Bassili stated the following:

- “Ryan who do think I am....my yealy take home is more than double yours. [] This my second company and my first was a big deal....that perry thought i was rich....i am not I blew everything. . . . Well i write this because I can do whatever I want. Especially when I am the viotim of a plot to destroy me and yes it worked....but your clientt is fucked ryan.”
- “[Perry,] you’re a really bad person, greedy, dark, cold, and not human go to hell and fuck right off. your a monster’ []”
- “no[w] we are just hoping to do maximum damage to you [Perry], when its time we will be waiting. rolled on a nig**r.”¹

NEPG's counsel later requested that Mr. Bassili agree to accept service via email. He refused to do so or to provide NEPG with his current residential address for purposes of ordinary service of process (though he most recently claimed that he is living in an undisclosed location in Mexico). Instead, Mr. Bassili said that he was going to “disappear” like a “ghost.”

C. Relief Sought

As described above and in more detail in NEPG's imminently forthcoming motion for alternative service of process and to limit future communication from Mr. Bassili (“Motion”), NEPG has been unable to locate Mr. Bassili's current residential address. He has also refused to accept service of the third-party complaint via his working email address, which Ms. Bassili has used to send dozens of bizarre, threatening communications over the last few weeks. Because service on Mr. Bassili via traditional means has proven to be impracticable (and possibly dangerous

¹ NEPG quotes Mr. Bassili verbatim, except with respect to his racial slurs. Notably, these are only a few excerpts from Mr. Bassili's rambling emails and LinkedIn messages, which often span numerous pages each.

given Mr. Bassili's threatening communications), NEPG respectfully requests that this Court authorize NEPG to serve Mr. Bassili via alternative email service.

NEPG also requests that this Court (after Mr. Bassili has been served) exercise its inherent powers and limit future communications from Mr. Bassili to end his harassing, threatening, and racist tirades to NEPG and its counsel.

NEPG more fully outlines the reasons supporting this requested relief in NEPG's imminently forthcoming Motion.

Respectfully submitted on April 26, 2023.

/s/ Ryan D. Watstein
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on April 26, 2023, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Ryan D. Watstein
Ryan D. Watstein